

<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/001,594	JOHNSON ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Christian P. Chace	2187	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to appeal brief filed 19 November 2004.
2. ☒ The allowed claim(s) is/are 1-10.
3. ☒ The drawings filed on 10/31/01 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |  |  |
|--|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)   | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date <u>12/10/04</u> | 7. <input type="checkbox"/> Examiner's Amendment/Comment                               |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material                               | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance   |
|  | 9. <input type="checkbox"/> Other _____.   |

## **DETAILED ACTION**

### ***Response to Appeal Brief***

This Office action has been issued in response to appeal brief filed 19 November 2004. Claims 1-10 are pending. Claims 1-10 are allowed.

### ***Information Disclosure Statement***

IDS submitted 10 December 2004 was accompanied by the fee and statement set forth in 37 CFR 1.97. Accordingly, the IDS has been considered. However, the French Patent reference was not accompanied by a translation of at least the abstract into English. Accordingly, that reference was not considered, and a line has been drawn through the reference on the attached copy of the PTO-1449.

### ***Allowable Subject Matter***

Claims 1-10 are allowed.

The following is an examiner's statement of reasons for allowance:

With respect to independent claim 1, *each* age bit indicating whether the corresponding data value has been recently *accessed* is not taught or suggested by the cited prior art of record. Specifically, the cited prior art of record teaches age bits indicating whether the corresponding data value has been modified (written), but if there is a read access, for example, the cited prior art of record does not set/reset the age bit. Claims 2-6 depend upon the instant claim and are allowable for at least the reason set forth supra with respect to same.

With respect to independent claim 7, determining that the entry has not been recently *accessed* when the bit is at the second logical state after at least a

predetermined time after being set to the second logical state is not taught or suggested by the cited prior art of record. Specifically, the cited prior art of record teaches age bits indicating whether the corresponding data value has been modified (written), but if there is a read access, for example, the cited prior art of record does not set/reset the age bit.

With respect to independent claim 8, determining that the entry is dirty and has not been recently accessed when the bit is at the second logical state after at least a predetermined time after being set to the second logical state is not taught or suggested by the cited prior art of record. Specifically, the cited prior art of record teaches age bits indicating whether the corresponding data value has been modified (written), but if there is a read access, for example, the cited prior art of record does not set/reset the age bit.

With respect to independent claim 9, determining that at least one entry corresponding to the index has not been recently accessed when the bit is at the second logical state after at least a predetermined time after being set to the second logical state is not taught or suggested by the cited prior art of record. Specifically, the cited prior art of record teaches age bits indicating whether the corresponding data value has been modified (written), but if there is a read access, for example, the cited prior art of record does not set/reset the age bit.

With respect to independent claim 10, determining that at least one entry corresponding to the index is dirty and has not been recently accessed when the bit is at the second logical state after at least a predetermined time after being set to the second logical state is not taught or suggested by the cited prior art of record. Specifically, the cited prior art of record teaches age bits indicating whether the

corresponding data value has been modified (written), but if there is a read access, for example, the cited prior art of record does not set/reset the age bit.

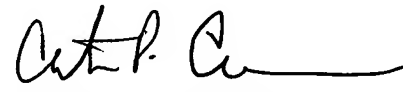
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christian P. Chace whose telephone number is 571.272.4190. The examiner can normally be reached on MAXI FLEX.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Donald Sparks can be reached on 571.272.4201. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Christian P. Chace  
Examiner  
Art Unit 2187